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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IGNACIO DeALBA,

Defendant.

2:12-CR-00079-JCM-PAL

STIPULATION TO CONTINUE  
EVIDENTIARY HEARING ON  
MOTION TO SUPPRESS FOR  
FOURTH AMENDMENT  
VIOLATIONS (Dkt. #44)

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and Cristina D. Silva, Assistant United States Attorney, counsel for the United States of America, and Rebecca Levy, Assistant Federal Public Defender, counsel for defendant IGNACIO DeALBA, that evidentiary hearing on defendant's *Motion to Suppress for Fourth Amendment Violations* (Dkt. #44) in the above-captioned matter, which is currently set for March 5, 2013, be vacated and continued to a date and time to be set by this Court, for any time after March 8, 2013.

This Stipulation is entered into for the following reasons:

1. The evidentiary hearing on the motion was previously reset. Government counsel realized that she will be out of the District during the new date and time set for the evidentiary hearing. Government counsel will not be back in the District until March 6, 2013. However,

Government counsel has evidentiary hearings on motions to suppress currently scheduled in *United States v. Fehrman* (2:12-cr-00252-JCM-VCF) on March 7, 2013, and another motion to suppress in *United States v. Brown* (2:11-cr-00334-MMD-GWF) on March 8, 2013. While it is likely one or more of the motions may be continued, in an abundance of caution the Government is requesting the hearing in this case be reset for after March 8, 2013.

2. Defense counsel does not have an objection to a brief continuance.

3. The defendant is incarcerated, but does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for the availability of Government counsel.

DATED this 22 day of February, 2013.

DANIEL G. BOGDEN  
United States Attorney

//s//  
CRISTINA D. SILVA  
Assistant United States Attorney

//s//  
REBECCA LEVY,  
Assistant Federal Public Defender  
Counsel for Defendant - DeALBA

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

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FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. That the evidentiary hearing on the motion was previously reset. That Government counsel realized that she will be out of the District during the new date and time set for the evidentiary hearing. Further, that Government counsel will not be back in the District until March 6, 2013. However, Government counsel has evidentiary hearings on motions to suppress currently scheduled in *United States v. Fehrman* (2:12-cr-00252-JCM-VCF) on March 7, 2013, and another motion to suppress in *United States v. Brown* (2:11-cr-00334-MMD-GWF) on March 8, 2013. That while it is likely one or more of the motions may be continued, in an abundance of caution the Government is requesting the hearing in this case be reset for after March 8, 2013.

2. That Defense counsel does not have an objection to a brief continuance.

3. That the defendant is incarcerated, but does not object to the continuance.

4. Additionally, that denial of this request for continuance could result in a miscarriage of justice.

7. That this is the second request for a continuance of the evidentiary hearing.

Based on the fact that the parties have agreed to the continuance; based on the fact that the defendants does not object to the continuance; and based on the fact that denial of this request for continuance could result in a miscarriage of justice, the Court hereby concludes that:

ORDER

  
THE HONORABLE PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE